

REMARKS***Allowable Subject Matter***

Applicants express appreciation for the indication in the Office Action of December 12, 2005 that claims 31-33 are allowable.

Summary of the Response

Upon entry of the response and remarks, claim 15 is amended, claim 29 is cancelled, and claims 15-38 currently remain pending with claims 34-38 having been withdrawn by the Examiner as being drawn to a non-elected invention.

Restriction Requirement

By the present amendment, Applicants submit that elected claims 15-33 are allowable. Accordingly, Applicants respectfully submit that non-elected claims 34-38 should be rejoined with elected claims 15-33 because they depend therefrom; further, inasmuch as claim 15 is believed allowable, claims 34-38 should also be allowable.

Summary of the Official Action

In the instant Office Action, claims 15-28 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Riedel et al. (U.S. Pat. No. 5,631,073, hereinafter "RIEDEL") in view of Young et al. (U.S. Pat. No. 4,833,179, hereinafter "YOUNG"). Further, claims 15-30 have been rejected

under 35 U.S.C. § 103(a) as being unpatentable over Shaffer et al. (U.S. Pat. No. 5,916,393, hereinafter "SHAFFER") in view of RIEDEL. Lastly, claim 29 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over RIEDEL in view of YOUNG, and further in view of SHAFFER.

Arguments

By the present amendment and remarks, Applicants submit that it is clear that the outstanding rejections should be withdrawn, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application. Specific arguments in response to each of the rejections recited in the Office action are set forth below.

1. The rejection of claims 15-28 and 30 under 35 U.S.C. § 103(a) as being unpatentable over RIEDEL in view of YOUNG.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 15-28 and 30 as being unpatentable over RIEDEL in view of YOUNG in view of the following remarks.

The Office Action notes that YOUNG, which is incorporated by reference in RIEDEL, would inherently teach the claimed fiber immersion depth because according to Applicant's specification, the adhesive is applied by direct coating as taught by YOUNG. Therefore, the Office Action states that because the viscosity

and/or specific adhesive composition is not claimed, the combination of RIEDEL and YOUNG would necessarily result in the claimed immersion depth.

In contrast with both RIEDEL and YOUNG, Applicants submit that neither RIEDEL nor YOUNG disclose or suggest the specific recitation of claim 15, namely, wherein the “adhesive has a viscosity of 80,000 to 150,000 cP.” Moreover, Applicants submit that neither RIEDEL nor YOUNG disclose or suggest the specific recitation of claim 15, wherein “the fibers being immersed 10 μ m to 0.5 mm in the adhesive.”

Applicants submit that in addition to the failure of the RIEDEL-YOUNG combination to disclose or suggest Applicants claimed invention, Applicants note numerous other differences between the present invention and the applied documents of RIEDEL and YOUNG. In this regard, Applicants respectfully submit that the Office Action appears to have misinterpreted the disclosures of RIEDEL and YOUNG.

For example, regarding RIEDEL, as noted in the Office Action as to why the pressure sensitive adhesive of YOUNG would impregnate the non-woven sheet of RIEDEL at a depth within the instantly claimed range appears to be based on a misunderstanding of the disclosure of RIEDEL and thus, is without any basis. Thus, in contrast with the assertions in the Office Action, RIEDEL does not disclose calendaring a non-woven sheet that has a pressure sensitive adhesive thereon. Rather, RIEDEL discloses the calendaring (pattern embossing) is carried out on non-woven sheets which do not carry any adhesive

(col. 23, lines 5-25). In fact, Examples 77 and 78 and Comparative Examples 69-79 discussed in col. 23-25 of RIEDEL do not even use an adhesive. In this regard, Applicants respectfully submit that the Office Action has confused the chemical binding agent (discussed generally in the passage from col. 7, line 60 to col. 8, line 43 of RIEDEL) which is used to bind the fibers of the non-woven sheet, but does not act as adhesive. For example, in col. 20, lines 17-28 of RIEDEL, it is explicitly described that the pressure sensitive adhesive was applied after pattern embossing and application of the chemical binder.

Further, regarding YOUNG, Applicants submit that YOUNG does not specifically disclose or suggest application of the adhesive to a non-woven carrier as presently claimed. In contrast with the claimed invention, all the examples in YOUNG disclose refer to polymer beads being heated and extruded on to primed polyester film (See Examples I – XIII), which is not a “non-woven fibrous support comprising felt and/or needlebonded fabric” as presently claimed. Thus, YOUNG does disclose or suggest use of a non-woven fibrous support, and therefore YOUNG is likewise incompatible with RIEDEL. In this regard, the examples in YOUNG require a primer to encourage adhesion of the acrylic PSA to the smooth polyester film, because adhesion to a relatively smooth surface such as polyester film is different than adhesion to a porous material such as a non-woven polyester fabric.

Applicants further note that RIEDEL and/or YOUNG fail to teach or suggest physical property limitations of the tear effect or tear resistance which

would allow the adhesive tape to be easily tearable by hand. In this regard, Applicants presently claimed adhesive tape exhibits properties which allow it to be easily tearable by hand, a feature not disclosed or suggested by RIEDEL or YOUNG, alone or in combination.

Moreover, Applicants submit that the manner of applying the adhesive as disclosed in the specification should not be read into the claims. In this regard, Applicants respectfully submit that the Office Action appears to be improperly reading limitations from the specification (i.e., adhesive application) into the claims, which is improper. The Office Action notes that YOUNG, which is incorporated by reference in RIEDEL, would inherently teach the claimed fiber immersion depth because according to Applicant's specification, the adhesive is applied by direct coating as taught by YOUNG. Applicants note that it is improper to read limitations from the specification into the claims. In this regard, the Office Action appears to improperly limit the claim to "direct coating," when the claim is open to any type of adhesive application.

Regarding certain dependent claims, Applicants note that RIEDEL and/or YOUNG fail to teach certain elements of claims 18, 19, and 30. Namely, RIEDEL and/or YOUNG fail to specifically teach or suggest a tearing effort as recited in claim 18, the tear resistance, modulus of elongation, and elongation break as recited in claim 19, and the unrolling effort as recited in claim 30. In this regard, the Office Action includes arguments (i.e., tearing effort, tear resistance, modulus

of elongation and break, adhesive viscosity, and unrolling effort that these claim recitations) would have been inherent because RIEDEL uses similar materials.

However, in view of Applicants arguments with respect to claim 15 above, Applicants respectfully submit that the materials in RIEDEL and YOUNG are not similar in view of the fact that Applicant claims a specific viscosity range and fiber immersion depth range, and such ranges are not disclosed or suggested by RIEDEL and/or YOUNG, and therefore the specific properties recited in claims 18, 19 and 30 would not be inherent.

Therefore, in view of the foregoing remarks, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 15-28, and 30 as being unpatentable over RIEDEL in view of YOUNG because the physical properties claimed in claims 15-28, and 30 would not be inherent in RIEDEL and YOUNG because RIEDEL and YOUNG do not teach or suggest “adhesive has a viscosity of 80,000 to 150,000 cP” or “the fibers being immersed 10 μ m to 0.5 mm in the adhesive” as claimed in claim 15.

2. The rejection of claims 15-30 under 35 U.S.C. § 103(a) as being unpatentable over SHAFFER in view of RIEDEL.

Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) of claims 15-30 as being unpatentable over SHAFFER in view of RIEDEL, in view of the following remarks.

The Office Action notes that SHAFFER discloses a viscosity ranging from 5,000-80,000 cP (col. 3, lines 55-60). However, SHAFFER fails to teach the claimed non-woven support features. Therefore, the Office Action asserts that it would have been obvious to use the non-woven sheet and pressure sensitive adhesive tapes formed therein as disclosed by RIEDEL in order to improve the bond strength between the adhesive and the porous non-woven substrate based on the desire to provide a pressure sensitive non-woven tape product.

In contrast with both SHAFFER and RIEDEL, Applicants submit that neither SHAFFER nor RIEDEL disclose or suggest the specific recitation of claim 15, namely, wherein the “adhesive has a viscosity of 80,000 to 150,000 cP.” Moreover, Applicants submit that neither SHAFFER nor RIEDEL disclose or suggest the specific recitation of claim 15, wherein “the fibers being immersed 10 μ m to 0.5 mm in the adhesive.”

Moreover, even if the combination of SHAFFER and RIEDEL disclosed or suggested the presently claimed invention, which it does not, Applicants respectfully submit that the Office Action fails to provide the requisite motivation needed for a proper *prima facie* case of obviousness. In this regard, Applicants respectfully submit that there is no suggestion in either SHAFFER or RIEDEL to use the high viscosity pressure sensitive adhesive of SHAFFER (which contains a viscosity different from the presently claimed invention), and the non-woven substrate of RIEDEL. In this regard, Applicants further submit that SHAFFER and RIEDEL are not properly combinable because the substrate of SHAFFER

uses glass fibers (see col. 3, lines 14-18), and substrate of RIEDEL uses polyolefin fibers (see col. 5, lines 13-17). Therefore, in addition to SHAFFER not teaching the claimed non-woven support features as noted in the Office Action, SHAFFER fails to disclose the same substrate material as RIEDEL. Thus, SHAFFER and RIEDEL are incompatible for combination to make a proper *prima facie* case of obviousness.

Regarding certain dependent claims, Applicants note that SHAFFER and/or RIEDEL fail to teach certain elements of claims 18, 19, and 30. Namely, SHAFFER and/or RIEDEL fail to specifically teach or suggest a tearing effort as recited in claim 18, the tear resistance, modulus of elongation, and elongation break as recited in claim 19, and the unrolling effort as recited in claim 30. In this regard, the Office Action includes arguments (i.e., tearing effort, tear resistance, modulus of elongation and break, adhesive viscosity, and unrolling effort that these claim recitations) would have been inherently provided by SHAFFER in view of RIEDEL.

However, in view of Applicants arguments with respect to claim 15 above, Applicants respectfully assert that the materials are not similar in view of the fact that Applicant claims a specific viscosity range and fiber immersion depth range, and such ranges are not disclosed or suggested by SHAFFER and/or RIEDEL, and therefore the specific properties recited in claims 18, 19 and 30 would not be inherent.

Moreover, Applicants note that SHAFFER and/or RIEDEL fail to teach or suggest physical property limitations of the tear effect or tear resistance which would allow the adhesive tape to be easily tearable by hand. In this regard, Applicants presently claimed adhesive tape exhibits properties which allow it to be easily tearable by hand, a feature not disclosed or suggested by SHAFFER or RIEDEL, alone or in combination.

Therefore, in view of the foregoing remarks, Applicants respectfully request withdrawal of the 35 U.S.C. § 103(a) rejection of claims 15-30 as being unpatentable over SHAFFER in view of RIEDEL because the physical properties claimed in claims 15-30 would not be inherent in SHAFFER and RIEDEL because SHAFFER and RIEDEL do not teach or suggest “adhesive has a viscosity of 80,000 to 150,000 cP” or “the fibers being immersed 10 μ m to 0.5 mm in the adhesive” as claimed in claim 15.

3. The rejection of claims 29 under 35 U.S.C. § 103(a) as being unpatentable over RIEDEL and YOUNG, and further in view of SHAFFER.

In view of Applicants cancellation of claim 29 by the present amendment, Applicants respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) of claim 29 as being unpatentable over RIEDEL and YOUNG.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

If for any reason a check including the amount for any necessary fees is not associated with this file, the undersigned authorizes the charging of any necessary fees not explicitly identified, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipates or renders obvious the Applicants' invention, as recited in each of claims 15-38. In addition, the applied documents of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully Submitted,
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